

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-HC-2101-FL

UNITED STATES OF AMERICA,)
)
 Petitioner,)
)
 v.)
)
PAUL NYHAN,)
)
 Respondent.)

ORDER

This case comes before the court on the government’s motion (D.E. 7) to appoint Christopher North, Ph.D. as a mental health examiner selected by the court. Paragraph 5(b) of Standing Order 11-SO-4 authorizes the parties to “propose, by agreement or separately, examiners for appointment in a particular case.” In its discretion, the court hereby GRANTS the motion and selects and APPOINTS Christopher North, Ph.D., a licensed psychologist, as a mental health examiner pursuant to 18 U.S.C. §§ 4247(b) and 4248(b) and Standing Order 11-SO-4. Dr. North shall execute a Confidentiality Agreement as described in ¶ 11(g) of Standing Order 11-SO-4. Communication with Dr. North shall be limited pursuant to ¶ 5(h) of Standing Order 11-SO-4. Dr. North is directed to familiarize himself with these limitations.

No later than 15 May 2012, counsel for the government shall serve on Dr. North the government’s initial disclosures. To the extent they are available before Dr. North files his own report, counsel for the government shall serve on Dr. North the reports of any other examiners of the respondent appointed pursuant to 18 U.S.C. § 4247(b). If the disclosures or reports are not available on 15 May 2012, they shall be served within 3 days after the disclosures are made and the reports filed. Dr. North may consider such other documents as he deems appropriate, provided that such documents are served on counsel for the parties at or before the time the examiner’s report is filed.

No later than 25 June 2012, Dr. North shall conduct an examination in accordance with 18 U.S.C. § 4247(b). Dr. North shall prepare a written report on his examination of respondent containing the information prescribed by 18 U.S.C. § 4247(c), as well as his curriculum vitae or comparable documentation demonstrating his qualifications. The report shall be filed within 14 days after the examination, under seal without further order of the court, with copies provided to counsel for each party. Dr. North shall supplement the report (in the form of either a separate supplement to the prior report or an entire supplemental report) based on the information received after the filing of the report or otherwise as he deems necessary in his professional judgment to make the report complete or to correct it. The supplement shall be filed promptly after the need for it arises and before the close of discovery. It shall be filed under seal without further order of the court, with copies provided to counsel for each party.

In accordance with the Order of 19 May 2011 in *United States v. Gloshey*, No. 5:08-HC-2051-BR (D.E. 58 at pp. 13-15), the Department of Justice (“DOJ”) is ORDERED to pay the costs of Dr. North, in accordance with the Guidelines for Administering CJA and Related Statutes applicable to cases under 18 U.S.C. §4246, 7A *Guide to Judiciary Policy* §320.20.60(g), pending ultimate resolution of the allocation of responsibility for payment of such costs. DOJ shall be responsible for costs of the examination, report, and hearing testimony. The costs associated with any deposition of Dr. North shall be paid in accordance with the allocation of such costs currently in place between DOJ and counsel for respondents in cases arising under 18 U.S.C. § 4248.

The clerk is DIRECTED to provide a copy of this order to Christopher North, Ph.D., PMB 224, 1717 East Vista Chino, Suite 7, Palm Springs, CA 92262.

SO ORDERED, this 10th day of May 2012.



James E. Gates
United States Magistrate Judge